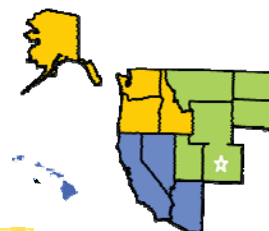




US Army Environmental Command Western Regional Environmental Office REGION 8 – JANUARY 2007 **WESTERN REGION REVIEW**



Hawaii Environmental Forum Provides Stage for Partnering Sustainability Initiatives

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The Army hosted the annual Hawaii Environmental Forum (HEF) at Schofield Barracks on 6 December 2006. This year's event included approximately 65 participants, speakers on sustainability, a legislative update from Hawaii political representatives, and a round the table dialogue with attendees.

The forum's mission is to bring together regulatory agencies and Hawaii Department of Defense (DoD) installation environmental managers, attorneys, encroachment and sustainability team representatives, operators, real estate representatives, public affairs, and DoD Regional Environmental Coordinators. The focus of the HEF is on applicable regional sustainability issues that warrant multi-component military and regulatory dialogue and/or coordination, and is based upon agenda suggestions from local military, State, municipal governments and other stakeholders.

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Hawaii Environmental Forum Provides Stage for Partnering Sustainability Initiatives (continued from Page 1)

The theme for this year's forum was "A Sustainable Hawaii". Colonel Killian, Garrison Commander, Hawaii, was the kick-off speaker and he discussed the Army's sustainability program and the specific actions occurring at Schofield Barracks. Some of the actions include construction of a eight megawatt (MW) photovoltaic plant; installation of solar hot water heaters; 50% recycling during deconstruction efforts; creation of a 60 MW wind farm (the Kahuku Wind Initiative); installation of a B20 biodiesel pump at Army and Air Force Exchange Service (AAFES) sites; and recent installation of a wastewater treatment plant that uses membrane bioreactor technology. Col. Killian's comments were well received by the audience with remarks such as: "I am inspired by Col. Killian's remarks", from Senator Russell Kokubun (2nd District and author and sponsor of Hawai'i 2050 Sustainability Task Force); "deep thanks to Col. Killian" from Larry Lau, Deputy Director for Environmental Health, Hawaii Department of Health; "very refreshing to hear from Col. Killian" from Senator Gary Hooser (7th District); and "we need to take a leadership role and walk the talk as Col. Killian is doing" from Representative Marcus Oshiro (Chair of the House Finance Committee). The other DoD services commented on how the Army has established the template for sustainability that they can use in undertaking sustainability actions at their installations.

WREO Information About Monthly Reviews

The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO14001, the Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. Please contact your Regional Environmental Coordinator (REC) point of contact if any pending rules or laws in this document will have significant impact on your operations.

The monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: jmiller@rma.army.mil. Write "Subscription" in the subject line and include your name and e-mail address. For general comments, please contact Bob Gurdikian bob.gurdikian@us.army.mil.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide regional reviews of legislative and regulatory issues relevant to the Army/DoD in the Western Region. The information contained in this review is current as of the 20th day of the previous month.



New wastewater treatment plant at Schofield Barracks.

Senator Kokubun talked about DoD's desire to become a member of the 2050 Task Force and offered the possibility of creating another body that would support the task force that DoD could actively participate in. He also announced that the State's draft Plan for Sustainability will be provided to the legislature in 2007.

During the Legislative Update session, Senator Kokubun, Senator Hooser, and Representative Oshiro spoke on several issues involving sustainability. Senator Kokubun stressed some of the land use issues that are being debated, including funding of land purchased by the State government for public domain, and the designation of agricultural lands for preservation. Senator Hooser, who also serves as Majority Leader and Vice Chair on Energy and Environment, had a broader scope, and spoke about the lifestyle challenges

Hawaiians face and the mutual interests of the environmental, agriculture, and military communities. Representative Oshiro discussed some of the challenges of passing legislation supporting compatible land use near military installations.

Overall, the HEF was a great success and showcased the impressive sustainability efforts that the US Army Garrison, Hawaii, has completed and will undertake in the future. The HEF continues to provide a showcase on initiatives, success stories, as well as challenges for the future of Hawaii, and how sustainability will play a critical role for the military, and the regulatory agencies, and the Hawaiian community as a whole. To foster that commitment to teamwork, the Hawaii Department of Health is sending a letter of thanks and encouragement to Col. Killian for his commitment to sustainability.



Senator Hooser speaking at the HEF. To his left is Representative Oshiro, and to his right is Senator Kokubun.

WREO STATE COUNTER

Legislative Items Reviewed to date – 689

Regulatory Items Reviewed to date – 1032

WREO Monthly News Brief

Regional Environmental Coordinators from the Western Regional Environmental Office, Air Force, and Navy participated in the first annual Idaho Environmental Summit, which was sponsored by the Nez Perce Tribe with a grant from the US Environmental Protection Agency (EPA). The three day event provided an opportunity for diverse groups to jointly address environmental issues and included over 100 presenters, 50 breakout sessions, and six keynote events. The Summit provided an excellent platform to promote the Army Environmental Command as well as many opportunities for outreach to stakeholders. Summit participants included the Idaho Department of Environmental Quality and other State agencies, EPA, five Native American Tribes, other federal agencies, private corporations, and public interest groups. Organizers expect the Summit to be an annual event that is self-funded.



FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



AIR INFORMATION:

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SITE REMEDIATION

– The United States Environmental Protection Agency (EPA) has amended the Site Remediation National Emission Standards for Hazardous Air Pollutants (NESHAP) to resolve issues and questions subsequent to promulgation (71 FR 69011). The amendments include a short-term site remediation exemption; a point of determination of remediation material volatile organic HAP concentration; and requirements for equipment leaks. For more information, contact Paul Josephson, United States Army Environmental Command (USAEC), at (410) 436-1205.

NESHAP FOR SHIPBUILDING AND SHIP REPAIR – The EPA has released amendments to the NESHAP for surface coating operations of shipbuilding and ship repair. The direct final rule will be effective 60 days after publication in the Federal Register. For more information, contact Paul Josephson, USAEC, at (410) 436-1205. The rule is available at http://www.epa.gov/ttn/oarpg/t3/fr_notices/shipbuilding_df122106.pdf#.

NESHAP ONCE IN, ALWAYS IN POLICY – The EPA has released amendments to the General Provisions to the NESHAP, which would replace the “Once in, Always in Policy”. The Policy is described in a May 16, 1995 EPA memorandum titled, “Potential to Emit for MACT Standards – Guidance on Timing Issues”. As proposed, a major source may become an area source at any time by obtaining a permit limiting its potential to emit HAP emissions below the major source thresholds of 10 tons per year (tpy) of any single HAP or 25 tpy of any two combinations of HAPs. After the permit containing the HAP potential to emit limit becomes effective, the source is no longer subject to major source NESHAPs and is only subject to applicable area source NESHAPs. Comments are due 60 days after the date of publication in the Federal Register. For more information, contact Paul Josephson, USAEC, at (410) 436-1205. The amendment is available at http://www.epa.gov/ttn/oarpg/t3/fr_notices/oiai_fin122006.pdf#.

PHASE 2 OF THE FINAL RULE TO IMPLEMENT THE 9-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS)

– The EPA is considering three provisions of the Phase 2, 8-hour ozone NAAQS (71 FR 75902). Comments are due by January 18, 2007. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

OTHER SOLID WASTE INCINERATION UNITS, EMISSION GUIDELINES – The EPA is making a technical correction to the emission guidelines and new source performance standards (NSPS) for other solid waste incineration (OSWI) units (71 FR 67802). The EPA is correcting the averaging time for measuring opacity to require a 6-minute average observed

over three one-hour test runs. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

FEDERAL PLAN REQUIREMENTS FOR OSWI UNITS – The EPA has proposed a federal plan to implement emission guidelines for OSWI units not covered by an approved State plan as of December 16, 2006 ([71 FR 75815](#)). Comments are due by February 16, 2007. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

INTERPRETING MONITORING REQUIREMENTS FOR STATE AND FEDERAL OPERATING PERMITS PROGRAMS – The EPA has provided an interpretation of requirements for monitoring to assure compliance with Title V Permits ([71 FR 75422](#)). The final rule becomes effective on January 16, 2007. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

WATER INFORMATION:

WATER QUALITY TRADING AWARDS – The EPA is initiating a program to recognize excellence in water quality trading ([71 FR 67124](#)). Water quality trading is based on the concept that sources in a watershed can face very different costs to control the same pollutant. This recognition program will enable EPA to identify successful water quality trading programs and policies that most closely align with U.S. EPA's Water Quality Trading Policy and cooperate with those programs in order to reduce water pollution. Nominations for 2007 Blue Ribbon Water Quality Trading Awards must be received by January 16, 2007. Additional information on water quality trading is available at <http://www.epa.gov/waterqualitytrading>.

APPLICATION OF PESTICIDES TO WATERS OF THE US – The EPA has issued a final rule clarifying circumstances in which a Clean Water Act National Pollution Discharge Elimination System (NPDES) permit is not required to apply pesticides to or around water ([71 FR 68483](#)). The final regulation is effective on January 26, 2007. For more information, contact Misha Turner, USAEC, at (410) 436-1203.

WASTE INFORMATION:

COLORADO UNDERGROUND STORAGE TANK (UST) PROGRAM UNDER SUBTITLE I OF THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) – The EPA is proposing to approve a request by the Colorado Department of Labor and Employment for final approval of its UST Program under Subtitle I of RCRA ([71 FR 68517](#)). Written comments were due December 27, 2006. For more information, contact Mike Eck, USAEC, at (410) 436-7068.

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OTHER FEDERAL INFORMATION

EFFECT OF COMMUNICATIONS TOWERS ON MIGRATORY BIRDS – The Federal Communications Commission (FCC) seeks comment on whether to adopt measures to reduce migratory bird collisions with communications towers ([71 FR 67510](#)). Depending on the comments received, the FCC may adopt substantive or procedural changes to its rules. Comments are due January 22, 2007. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

MANDATORY PROCUREMENT OF FEMP AND ENERGY STAR IDENTIFIED PRODUCTS – The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are proposing to amend the Federal Acquisition Regulation to address implementation of Section 104 of the Energy Policy Act of 2005 ([71 FR 70937](#)). Section 104 requires that all acquisitions of energy consuming-products and all contracts for energy-consuming products require acquisition of ENERGY STAR or Federal Energy Management Program (FEMP) designated products. The ENERGY STAR and FEMP websites (<http://www.energystar.gov/products> and <http://www.eere.energy.gov/femp/procurement/>) assist Federal purchasers and contractors to identify these types of highly efficient products.

DEFINITION OF "DISTURB" RELATED TO THE PROTECTION OF BALD EAGLES – The United States Fish and Wildlife Service has reopened the comment period for a proposed rule to define the term “disturb” in a manner consistent with intent of the Bald and Golden Eagle Protection Act ([71 FR 74483](#)). Comments on the proposed rule are due January 11, 2007. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

ENERGY CONSERVATION STANDARDS FOR NEW FEDERAL BUILDINGS – The United States Department of Energy has issued an interim final rule to incorporate, into Title 10 Parts 433 and 435 by reference ANSI/ASHRAE/IESNA Standard 90.1-2004, Energy Standard for Buildings Except Low-Rise Residential Buildings, and International Energy Conservation Code (IECC), 2004 Supplement Edition ([71 FR 70275](#)). The amendment made by this interim final rule is effective January 3, 2007. For more information, contact Bob Shakeshaft, USAEC, at (410) 436-1222.

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UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
Third National Water Resources Policy Dialog	January 22-23, 2007	Arlington, VA	This conference will discuss existing water resource policies and aims to develop a national water policy. http://www.awra.org/meetings/DC2007/index.html
4th International Conference on Remediation of Contaminated Sediments	January 22-25, 2007	Savannah, GA	The theme for this event is "Efficient Assessment, Effective Management, Successful Remediation." Several discussions will provide an opportunity for invited experts and practitioners to discuss and debate some of the critical issues related to sediment assessment and management. http://www.serdp.org/Symposium#Second
Alaska Forum on the Environment	February 12-16, 2007	Anchorage, AK	This year's event will again deliver nationally recognized speakers. Over 80 breakout sessions will provide educational opportunities and the latest research information of Alaska's environment. http://www.akforum.com/
Ground Water Industry Legislative Conference/NWGA Fly-in	March 5-6, 2007	Washington, DC	Annual conference for National Ground Water Association members who receive briefings from congressional leaders and key policy makers. http://www.ngwa.org/ngwainwashington/flyin.cfm
Hazardous Waste Management and Manifest Initial DOT Certification Course	March 12-16, 2007	Phoenix, AZ	Part of the US Army Corps of Engineers PROSPECT Training program. The 36-hour course addresses the management and transportation of hazardous waste and the use of the new hazardous waste manifest. To register, go online at http://pdsc.usace.army.mil/HowToRegister.aspx . For information about the course, go to http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=223 or contact Sandi Zebrowski, (402) 697-2562, sandi.m.zebrowski@usace.army.mil .
Hazardous Waste Management and Manifest DOT Recertification Course	March 14-15, 2007	Phoenix, AZ	This 16-hour course fulfills the recurrent training requirements of 49 CFR 172, Subpart H as they relate to the transportation of hazardous wastes and the use of the new hazardous waste manifest. To register, go online at http://pdsc.usace.army.mil/HowToRegister.aspx . For information about the course, go to http://pdsc.usace.army.mil/CourseListDetailNewFy.aspx?CtrlNbr=429 or contact Sandi Zebrowski, (402) 697-2562, sandi.m.zebrowski@usace.army.mil .
North American Wildlife and Natural Resources Conference	March 20-24, 2007	Portland, OR	The Wildlife Management Institute is holding the 72 nd Annual Conference to address prevailing issues, policies and practices of professional management of wildlife and other natural resources. http://www.wildlifemanagementinstitute.org/pages/TOC.html?179,143
Region VII Annual Regional Conference, Association of US Army	April 11-14, 2007	Denver, CO	This conference is held annually in AUSA Region VII (CO, UT, WY, NV, AZ, CA, and NM). Various speakers will address current topics regarding State of the Army and related world events. For more information, contact Colonel Paul Baldwin (Ret.) at baldwins@msn.com .
GW18 Global Warming International Conference and Expo	April 18-20, 2007	Miami, FL	Sponsored by the Global Warming International Center, this conference will focus on bringing the discussion of global warming mitigation to the public as well as exchanging scientific data and public policy research. http://gw18.globalwarming.net/
In Situ and on-Site Bioremediation Symposium	May 7-10, 2007	Baltimore, MD	The Ninth International In Situ and On-Site Bioremediation Symposium will integrate the latest developments in fundamental research with innovative engineering applications. http://www.battelle.org/environment/er/conferences/biosymp/

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

SECTION 308 REGIONAL HAZE PLAN – The Colorado Air Quality Control Commission (AQCC) is preparing a Regional Haze State Implementation Plan (SIP) revision pursuant to Section 308 of the Regional Haze Rule. A briefing is scheduled for January 18, 2007. A meeting focusing on the SIP strategy, additional control measures and reasonable progress, is scheduled for April 19, 2007. For more information, contact Kirsten King at (303) 692-3111. The Regional Haze homepage is available at <http://www.cdphe.state.co.us/ap/regionalhaze.html>.

REVISIONS TO REGULATION 7, EMISSIONS OF VOLATILE ORGANIC COMPOUNDS – The Colorado Department of Public Health and Environment (CDPHE) is proposing amendments to Regulation 7, Emissions of Volatile Organic Compounds (VOCs) to further reduce flash VOC emissions from atmospheric condensate tanks to 91.3 tons per day (tpd) by 2007. Additional amendments proposed for Regulation 7 include emission control requirements for glycol dehydrators and natural gas fired reciprocating internal combustion engines. For more information, contact Gary Kaufman at (303) 692-3269. The proposed regulations are available at http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F26674/Reg%207%20RMH%20Notice-PropLang%20081706.doc.

AMENDMENTS TO THE NEW SOURCE PERFORMANCE STANDARDS AND PARTICULATE, SMOKES, CARBON MONOXIDE AND SULFUR OXIDES REGULATIONS – The CDPHE has amended Regulation 1, Particulates, Smokes, Carbon Monoxide and Sulfur Oxides, and Regulation 6, Standards of Performance for New Stationary Sources. The amendments to Regulation 1 revise the performance testing requirements for air curtain destructors and the amendments to Regulation 6 adopt updates to the federal program. The amendments were adopted on September 21, 2006 and took effect on November 30, 2006. For more information, contact Melanie Loyzim at (303) 692-3221. The final regulations are available at <http://www.cdphe.state.co.us/regulations/airregs/>.

ADOPTION BY REFERENCE OF AMENDMENTS TO NESHAP MAXIMUM AVAILABLE CONTROL TECHNOLOGY (MACT) STANDARDS – The AQCC is proposing to amend Regulation Number 8, Part E- (MACT Standards) to adopt by reference changes made by the EPA to the NESHAP rules. The AQCC will hold a public hearing on January 18 and 19, 2007. For more information, contact Theresa Martin at (303) 692-3476. Notice of the proposed rulemaking is available at <http://www.cdphe.state.co.us/op/aqcc/aqccdown/noticereg8jan.pdf>.

WATER INFORMATION:**REVISIONS TO THE ARKANSAS/RIO GRANDE BASIN WATER QUALITY STANDARDS –**

The CDPHE is proposing various water quality standards rulemakings in the Arkansas/Rio Grande Basin prior to the next scheduled triennial review in June 2007. The CDPHE will hold a public hearing on January 8, 2007 to consider adoption of revisions to the current provisions regarding water temperature criteria and standards. The Water Quality Control Commission (WQCC) will also hold a public hearing on March 13, 2007 to consider adoption of amendments to the ammonia standards. For more information, contact Diana Glaser at (303) 692-3469.

Notice of the public hearing is available at

<http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/rulemaking/Tsnotice0701.pdf>.

RECLAIMED WATER CONTROL – The WQCC is discussing potential amendment of Regulation 84, Reclaimed Water Control, as part of the triennial review of its water quality standards. The WQCC has decided to initiate a rulemaking proceeding in August 2007 to consider revisions related to use of reclaimed water at wastewater treatment facilities. For more information, contact Diana Glaser at (303) 692-3469.

AMENDMENTS TO THE COPPER STANDARDS FOR BOULDER CREEK SEGMENT 9 –

The WQCC is proposing to adopt amendments found in Regulation 38 to the copper standards for Boulder Creek segment 9 in Regulation 38. The WQCC will hold a public hearing on April 9, 2007 to consider adoption of the revisions. For more information, contact Sarah Johnson at (303) 692-3609. The proposed revisions are available at

http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F1212/38noticeBldrCrk.pdf.

AMENDMENTS TO THE DILLON RESERVOIR CONTROL REGULATION – The WQCC is proposing to amend the Dillon Reservoir Control Regulation, Regulation 71. The amendments would include additional definitions and actions related to the current phosphorus trading provisions. The WQCC will hold a public hearing on April 9, 2007 to consider adoption of the amendments. For more information, contact Dick Parachini at (303) 682-3516. The proposed amendments are available at

http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F2303/71notice.pdf.

WASTE INFORMATION:

AMENDMENTS TO THE HAZARDOUS WASTE RULES – The CDPHE amended hazardous waste regulations to: add a de minimis generation level below which conditionally exempt small quantity generators of hazardous waste are not required to comply with notification and fee requirements; require generators of hazardous waste to complete and return a self-certification compliance checklist upon request to do so by the CDPHE; specify that the accumulation start date must be marked on both tanks and containers; prohibit large quantity generators of hazardous waste from storing hazardous waste in open top tanks; and make State Resource Conservation and Recover Act (RCRA) permits effective thirty (30) days after being issued, irrespective of whether the associated fees have been paid. The amendments were adopted and took effect on November 30, 2006. For more information, contact Laurie Perila at (303) 692-3467. The final regulation is available at

<http://www.cdphe.state.co.us/regulations/hazwaste/index.html>.

REGULATION OF CERTAIN MOTORIZED EQUIPMENT WASTE – The CDPHE is discussing the development of regulations addressing the recycling of residentially generated used oil, lead

acid batteries and waste tires. For more information, contact Cindy Smith at (303) 692-3409. The rulemaking website is available at <http://www.cdphe.state.co.us/hm/oilbatteriestires.htm>.

ASBESTOS-CONTAMINATED SOIL – The Colorado Hazardous Materials and Waste Management Division (HMWMD) has established specific management requirements for asbestos-contaminated soil. The HMWMD has prepared a draft guidance document to provide direction to contractors, consultants and property owners who are involved in soil disturbing activities in areas with known or suspected asbestos-contaminated soil, or where asbestos-contaminated soil is discovered. Comments are being accepted on a rolling basis. The document is not expected to be finalized in the near future as the HMWMD expects additional revisions while the guidance is field tested. For more information, contact Colleen Brisnehan at (303) 692-3357. The guidance website is available at <http://www.cdphe.state.co.us/hm/asbestosinsoil.htm>.

AMENDMENTS TO REGULATION 19- LEAD-BASED PAINT ABATEMENT – The AQCC is proposing to adopt amendments to the lead-based paint regulations to incorporate contractor notification requirements to homeowners of lead based paint remediation. The AQCC will hold a public hearing on January 18 and 19, 2007. For more information, contact Theresa Martin at (303) 692-3476. Notice of the proposed rulemaking is available at <http://www.cdphe.state.co.us/op/aqcc/aqccdown/noticereg19jan.pdf>.

OTHER INFORMATION:

PESTICIDE APPLICATOR LICENSE REQUIREMENTS – The Colorado Department of Agriculture (DOA) has adopted amendments to its licensed pesticide applicator regulations to recognize licensing of private applicators and to modify the dealer licensing requirements to include record-keeping requirements for federal restricted use pesticides. The amendments were adopted at the October 19, 2006 hearing and took effect on January 1, 2007. The DOA has also submitted the Colorado State Plan for Certification of Applicators of Restricted Use Pesticides to EPA for final approval. The EPA is accepting comments on the proposed Plan through January 22, 2007. For more information, contact Jennifer Gurr at (303) 239-4104. The final rules are available at <http://www.ag.state.co.us/DPI/PesticideApplicator/Publications/PrivatePestRulesFinal%2011-06.pdf>.

AMENDMENTS TO THE PESTICIDE APPLICATOR REGULATIONS – The DOA has amended the pesticide applicator rules. The amendments revise the annual licensing fees, create new licensing categories, amend and add definitions, outline applicator examination requirements, create continuing education requirements, specify recordkeeping and notification requirements and clarify storage requirements. The amendments were adopted and took effect on January 1, 2007. The revisions are now being reviewed by EPA as part of the State's submission of its State Plan for Certification and Training of Applicators of Restricted Use Pesticides. The EPA is accepting comments on the proposed plan through January 22, 2007. For more information, contact Jennifer Gurr at (303) 239-4104. The revised rules are available at <http://www.ag.state.co.us/DPI/PesticideApplicator/Publications/PrivatePestRulesFinal%2011-06.pdf>.

LEGISLATIVE DEVELOPMENTS

The 2007 legislative session began on January 10, 2007 and adjourns on May 9, 2007. For information on the legislative session, link <http://www.leg.state.co.us/>.

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MONTANA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

REPEAL OF TEMPORARY WATER QUALITY STANDARDS – The Montana Department of Environmental Quality (DEQ), Board of Environmental Review (BER) repealed the temporary water quality standards for portions of Mike Horse Creek, Beartrap Creek, and the Upper Blackfoot River. The Board of Environmental Review repealed the amendments in a public meeting held on December 1, 2006. For more information, contact Joe Russell at (406) 751-8101.

JUDITH RIVER TMDL – The DEQ is proposing a TMDL for siltation and fish habitat degradation for the South Fork Judith River. The DEQ projects completion of the TMDL in 2012. For more information, contact Carol Mackin at (406) 444-7425.

RUBY RIVER WATERSHED – The DEQ is proposing a total maximum daily load (TMDL) for the Ruby River Watershed planning area. The pollutants addressed in the Ruby TMDL include sediment, metals, nutrients, and thermal modification. The TMDL was submitted to the EPA at the end of 2006. For more information, contact Robert Ray at (406) 444-5319. The draft TMDL is available at <http://deq.mt.gov/wqinfo/TMDL/Ruby/PRRubyCover.pdf>.

WASTE INFORMATION:

STANDARDIZED FORMATS FOR CORRECTIVE ACTION PLANS – The DEQ is proposing to standardize formats for corrective action plans (CAPs) and reports for use by owners and operators of petroleum storage tank releases. The formats are still in draft form, but are being used on a routine basis. For more information, contact Mike Trombetta at (406) 444-5977. The draft standardized CAPs are available at <http://www.deq.state.mt.us/LUST/TechGuidDocs/techguidlist.asp>.

INCORPORATION BY REFERENCE OF CURRENT FEDERAL REGULATIONS INTO HAZARDOUS WASTE PROGRAM – The DEQ has amended the hazardous waste program regulations to incorporate by reference the most recently updated federal regulations. The amendments were adopted by the BER and were effective on December 21, 2006. For more information, contact Robert A. Martin at (406) 444-1374. The amendments are available at <http://sos.mt.gov/arm/register/archives/MAR2006/MAR06-24.pdf> (page 82 of 151).

ASBESTOS CONTROL, INCORPORATION BY REFERENCE OF FEDERAL REGULATIONS – The DEQ adopted amendments to the asbestos regulations by incorporating by reference current federal regulations on the asbestos control program, including definitions, asbestos

project control measures, and clearing asbestos projects. The amendments were sent to the Administrative Rules Review Committee for approval. For more information, contact Robert A. Martin (406) 444-4194. The amendments are available at <http://sos.mt.gov/arm/register/archives/MAR2006/MAR06-23.pdf> (page 6 of 39).

OTHER INFORMATION:

NEW AND AMENDED EXOTIC SPECIES RULES – The Montana Fish, Wildlife and Parks Commission adopted new rules pertaining to exotic species. The rules add a list of controlled birds and fish; address permits to possess a controlled species; and add requirements for the care and housing of exotic wildlife held in captivity. The rules were adopted and became effective on January 9, 2007. For more information, contact Beth Giddings at (406) 444-2535. The rules are available at <http://sos.mt.gov/arm/register/archives/MAR2006/MAR06-21.pdf> (page 98 to 106 of 143).

LEGISLATIVE DEVELOPMENTS

The 2007 Montana legislative session began January 3, 2007 and adjourns April 24, 2007. For information on the legislative session, link <http://www.leg.state.mt.us>.

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Air	HB 55	Representative Kevin Furey (D)	Proposes to authorize the licensing or leasing of state trust lands for carbon sequestration or other ecosystem services.	Referred to Natural Resources Committee 12/20/06	Filed 12/8/06			
	SB 105	Senator Greg Lind (D)	Proposes to provide a tax break for equipment to sequester carbon dioxide.	Referred to Natural Resources and Energy Committee 12/20/06	Filed 12/15/06			
	SB 122	Senator Sam Kitzenberg (D)	Proposes to establish an ethanol and biobased renewable fuels education board.		Filed 12/20/06			
Water	HB 16	Representative Jim Keane (D)	Proposes to repeal the water adjudication fee. Clarifies claim examination priorities		Filed 11/16/06			
	HB 36	Representative John Musgrove (D)	Proposes to extend the termination date for increasing the limit for a loan to a water user's association or ditch company from the renewable resources grant program.		Filed 11/30/06			
	HB 39	Representative Walter McNutt (R)	Proposes to revise the water right ownership process.		Filed 11/30/06			
	HB 73	Representative Dave Gallik (D)	Proposes to increase the limits on fees that may be imposed to support the water quality program of the DEQ.	Referred to Natural Resources Committee 12/20/06	Filed 12/14/06			

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	HB 87	Representative Douglas Cordier (D)	Proposes to empower water commissioners to oversee changes to water appropriation rights.		Filed 12/18/06			
	HB 93	Representative Debby Barrett (R)	Proposes to repeal the water adjudication fee. Provides for completion of examination on a basin-by-basin basis.		Filed 12/20/06			
	SB 128	Senator Jesse Laslovich (D)	Proposes to allow for the Department of Fish, Wildlife, and Parks to change water rights to protect, maintain, or enhance streamflow to benefit fishery resources.		Filed 12/20/06			
Waste	HB 47	Representative Dave Gallik (D)	Proposes to increase the size of a tract of land that is subject to the permitting exclusion for disposal of household or agricultural waste.		Filed 12/6/06			
	HB 88	Representative Sue Dickenson (D)	Proposes to regulate electric generation facility waste.		Filed 12/18/06			
	HB 94	Representative Kendall Van Dyk (D)	Proposes to revise penalties for the prevention and correction of leakage from underground storage tanks.		Filed 12/20/06			
	HB 104	Representative Kevin Furey (D)	Proposes to require the owner or operator of a water appropriation facility to install and maintain suitable controlling and measuring devices.		Filed 12/20/06			

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	SB 77	Senator Rick Laible (R)	Proposes to require the Department of Fish, Wildlife, and Parks to submit a detailed program report to legislative committees, identifying any project that involves stream remediation from mining activities.	Referred to Fish and Game Committee 12/20	Filed 12/12/06			
Natural Resources	HB 37	Representative Michele Reinhart (D)	Proposes to define the term “noxious weeds”.	Referred to Natural Resources Committee 12/20/06	Filed 11/30/06			
	SB 25	Senator Lane Larson (D)	Proposes to define terms for the contract harvesting and sale of forest products from state trust lands.					
Land Use	HB 24	Representative Harry Klock (R)	Proposes to provide common carrier status to pipelines moving carbon dioxide.	Referred to Federal Relations, Energy, and Telecommunications Committee 12/20/06	Filed 11/27/06			
	SB 41	Senator Jim Elliott (D)	Proposes to provide that a city or town may not serve as a pass-through entity by using its power of eminent domain to obtain property to sell or to provide to a private entity within 10 years of acquisition.	Referred to the Judiciary Committee 12/20/06	Filed 11/30/06			
	SB 51	Senator Bob Hawks (D)	Proposes to require land use growth policies to consider fire and wildland fire among the natural hazards that subdivision regulations are required to reasonably address.	Referred to the Local Government Committee on 12/20/06	Filed 12/05/06			

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
	SB 78	Senator Lane Larson (D)	Proposes to provide reasonable and safe public access to streams and rivers from a county bridge, its right-of-way, and its abutments.	Referred to Fish and Game Committee 12/20/06	Filed 12/12/06			
	SB 106	Senator Sam Kitzenberg (D)	Proposes to establish portions of Brush Lake as a state park.	Referred to Fish and Game Committee 12/20/06	Filed 12/15/06			
	SB 107	Senator Sam Kitzenberg (D)	Establishes portions of Culbertson Overlook as a state park.	Referred to Fish and Game Committee 12/20/06	Filed 12/15/06			
	SB 110	Senator Rick Laible (R)	Proposes to revise conditions under which land may not be annexed.	Referred to Local Government Committee 12/20/06	Filed 12/18/06			
	SB 131	Senator John Cobb (R)	Proposes to extend the termination date for the sale of state trust land and purchase of replacement property through the land banking program.		Filed 12/20/06			

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NORTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

AMENDMENTS TO AIR POLLUTION CONTROL RULES – The North Dakota Department of Health has adopted changes to the state air pollution control rules. The changes include but are not limited to: updates to Standards of Performance for New Stationary Sources, adoption of federal standards; updates to Emission Standards for Hazardous Air Pollutants; and updates to Designated Air Contaminant Sources to repeal notification requirements under permit to construct and permit to operate and amend compliance certification requirements under Title V. The EPA is proposing to approve the amendments. Comments are due January 17, 2007. For more information, contact Tom Bachman at (701) 328-5188.

WATER INFORMATION:

None.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2007 legislative session began January 3, 2007 and adjourns mid-April. For information on the legislative session, link <http://www.legis.nd.gov/>

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Air	SB 2087	Senate Transportation Committee	Proposes to define E85 fuel as a petroleum product that contains 85% agriculturally derived denatured ethanol by volume but must contain 60% ethanol by volume.	Filed 12/20/06				
Water								
Waste	SB 2085	Senate Finance and Taxation Committee	Proposes to require a supplier or distributor of motor vehicle fuel to take a physical inventory of fuel on a monthly basis and to report inventory gains and losses to the Tax Commissioner monthly.	Filed 12/20/06				
Natural Resources								
Land Use	SB 2039	Legislative Council	Proposes to update North Dakota Code to specify that state use of eminent domain is subject Chapter 32-15, which defines purposes for which eminent domain may be used.	Filed 12/12/06				
	SB 2096	Senate Natural Resources Committee	Proposes to authorize the state engineer to find the person responsible and charge a penalty if a building, structure, or boat, is on the bed of or adjacent to navigable waters and is a menace to life or property.	Filed 12/20/06				

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Other	HB 1028	Legislative Council	Proposes to establish an energy development and transmission committee which would study and review policy affecting extraction, generation, processing, transmission, transportation, marketing, distribution, and use of energy.	Filed 12/6/06				
	SB 2095	Senate Agriculture Committee	Proposes to update the definition of “commercial applicator”, “public applicator”, and “ready-to-use”.	Filed 12/20/06				

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SOUTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

WATER REGULATION AMENDMENTS – The South Dakota Department of Environment and Natural Resources (DENR) amended various portions of the state water regulations. The amendments are administrative in nature. The rules became effective on December 26, 2006. For more information, contact Tim Tollefsrud at (605) 773-3153.

WASTE INFORMATION:

None.

OTHER INFORMATION:

AMENDMENT TO STATE ENDANGERED AND THREATENED SPECIES LISTS – The South Dakota Department of Game, Fish, and Parks (DGFP) is proposing to delist the central mudminnow from the list of state endangered fish, delist the trout-perch from the list of state threatened fish, delist the Blanding's turtle from the list of state endangered reptiles, and change the status of the sicklefin chub from threatened to endangered. The DGFP approved the amendments at a public hearing on December 7, 2006. The rules will be submitted to the Legislative Rules Committee for review on January 8, 2007. For more information, contact Eileen Dowd Stukel at (605) 773-3381.

LEGISLATIVE DEVELOPMENTS

The legislative session began January 9, 2007 and ends in mid-March. For information on the legislative session, link <http://legis.state.sd.us/index.cfm>.

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UTAH

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

MERCURY WORK GROUP PUBLIC WORKSHOP – The Utah Department of Environmental Quality (DEQ) Mercury Work Group held a public meeting on September 28, 2006 regarding implementation of the Clean Air Mercury Rule (CAMR). The group identified three potential goals including identification of human risks through a systematic monitoring system, source delineation, and source minimization. The next meeting will take place on January 25, 2007. For more information, contact John Whitehead (801) 538-6053. The Mercury Work Group website is available at <http://www.deq.utah.gov/Issues/Mercury/workgroup.htm>.

CAMR IMPLEMENTATION – The Utah DEQ is proposing a regulation to implement CAMR in Utah. Comments on the proposed rules were due January 2, 2007. The rules are expected to be adopted in February 2007. For more information, contact Bill Reiss (801) 536-4077. The draft mercury regulations are available at <http://www.airquality.utah.gov/Public-Interest/Current-Issues/mercury/Rules.htm>.

AMENDMENTS TO THE NESHAP REQUIREMENTS – The DEQ is proposing to adopt updates by reference to the NESHAP for source categories made by the EPA. Specific updates address the following categories: plywood and composite wood products; and industrial, commercial, and institutional boilers and process heaters. The DEQ accepted comments on the proposed revisions until January 2, 2007. No hearing has been scheduled. For more information, contact Eileen Brennan at (801) 536-4176.

ADOPTION OF SUBSECTION XXII- INTERSTATE TRANSPORT TO THE STATE

IMPLEMENTATION PLAN – The DEQ is proposing to adopt updates to the SIP to maintain conformity with applicable federal requirements. These changes are in response to an EPA determination that found Utah had not submitted a SIP meeting the requirements of Clean Air Act within three years after US EPA issued new National Ambient Air Quality Standards (NAAQS) for ozone and PM_{2.5} in 1997. Specifically, the amendments address interstate transport of emissions that would affect nonattainment and maintenance areas in neighboring states, as well as prevention of significant deterioration (PSD) and visibility programs. Written comments were due January 2, 2007. For more information, contact Jan Miller at (801) 536-4042. Information on the proposed rulemaking is available at <http://www.airquality.utah.gov/Public-Interest/Public-Comment-Hearings/pdf-files/110/SIP.pdf>.

WATER INFORMATION:

STATE TMDLS – The DEQ is preparing TMDLs for the following water bodies: Tony Grove Lake (possible criteria pollutant for this TMDL is dissolved oxygen); Utah Lake (possible criteria pollutants for these TMDLs are phosphorus and dissolved oxygen); Escalante River; and Paria River. The Escalante and Paria Rivers have been submitted to the EPA for final approval. The Tony Grove Lake and Utah Lake TMDLs remain under development. For more information, contact Harry Judd at (801) 538-6047. Copies of the draft Escalante River and Paria River

TMDLs are available at http://waterquality.utah.gov/TMDL/Draft_Escalante_TMDL.pdf and http://waterquality.utah.gov/TMDL/Draft_Paria_TMDL.pdf.

AMENDMENTS TO THE WATER QUALITY REGULATIONS – The DEQ is discussing the amendment of its water quality regulations addressing the following: certification requirements for the design, inspection and maintenance of underground wastewater disposal systems and the performance of percolation and soil tests for underground wastewater disposal systems; the groundwater protection requirements; and a new section addressing tax exemptions for water pollution control equipment. Comments on the amendments are due January 15, 2007. For more information, contact Ed MacCauley at (801) 538-6940. The proposed amendments are available at <http://www.rules.utah.gov/publicat/bulletin/2006/20061215/29294.htm> and <http://www.rules.utah.gov/publicat/bulletin/2006/20061215/29296.htm>.

PUBLIC DRINKING WATER SYSTEM MINIMUM PRESSURE REQUIREMENTS – The DEQ has adopted revisions to the drinking water regulations that: clarify a minimum water pressure of 20 psi required during conditions of fire flow added to peak day demand; add a minimum water pressure of 30 psi during peak instantaneous demand; and add a minimum water pressure of 40 psi during peak day demand for existing public water systems extending services into new areas or supplying new subdivisions after January 1, 2007. The rule was adopted and took effect on January 1, 2007. For more information, contact Bill Birkes at (801) 536-4201.

REVISIONS TO THE STATE WATER QUALITY STANDARDS – The DEQ is proposing revisions to the state water quality standards as part of its triennial review. The DEQ will hold a public hearing on January 10, 2007 to accept comments on the proposed rule. Written comments are due January 31, 2007. For more information, contact Bill Moellmer at (801) 538-6329. Notice of the proposed rulemaking is available at <http://www.rules.utah.gov/publicat/bulletin/2006/20061215/29295.htm>.

AMENDMENTS TO THE PUBLIC DRINKING WATER SYSTEM REGULATIONS – The DEQ is proposing to revise the public drinking water system regulations to require that any new public drinking water system categorized as a community water system or a public water system serving water to multiple property owners, be under the sponsorship of a "body politic." The DEQ is accepting comments on the proposed regulation through January 15, 2007. For more information, contact Bill Birkes at (801) 536-4201. The proposed regulations are available at <http://www.rules.utah.gov/publicat/bulletin/2006/20061215/29307.htm> and <http://www.rules.utah.gov/publicat/bulletin/2006/20061215/29304.htm>.

WASTE INFORMATION:

UPDATES TO THE SOLID WASTE RULES – The DEQ is proposing to update its solid waste regulations. The rules are scheduled to be considered for adoption on January 31, 2007. For more information, contact Ralph Bohn at (801) 538-6170. The proposed revisions are available at <http://www.hazardouswaste.utah.gov/Public/ProposedSolidWasteRules.htm>.

ADOPTION OF FEDERAL MUNITIONS RULE – The DEQ is proposing the adoption of regulations implementing the federal munitions rule. The DEQ is planning only to adopt those sections considered mandatory by the EPA. The DEQ anticipates that the proposal will be considered for adoption by the Solid and Hazardous Waste Control Board at its January 11, 2007 meeting. For more information, contact Susan Toronto at (801) 538-6776. The proposed regulatory text is available at <http://www.rules.utah.gov/publicat/bulletin/2006/20061015/29086.htm>.

AUTOMOTIVE MERCURY SWITCHES – The DEQ is developing regulations regarding end-of-life automotive mercury switch removal standards in accordance with The Mercury Switch Removal Act of 2006. The rule was adopted and took effect December 1, 2006. For more information, contact Rob Powers (801) 538-9407. HB 138 can be found at <http://www.le.state.ut.us/~2006/htmdoc/hbillhtm/HB0138S01.htm>.

LEGISLATIVE DEVELOPMENTS

The legislative session begins January 15, 2007 and ends February 28, 2007. For information on the legislative session, link: <http://www.le.state.ut.us/>.

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WYOMING

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

SIP FOR INTERSTATE TRANSPORT, GENERAL EMISSION STANDARDS, NATIONAL EMISSION STANDARDS, AND NATIONAL ACID RAIN PROGRAM – The Wyoming Department of Environmental Quality (DEQ) is proposing to implement a SIP for interstate transport. In addition, the DEQ is proposing revisions to Chapter 3, General Emissions Standards; Chapter 5, National Emissions Standards; and Chapter 11, National Acid Rain Program. The Air Quality Advisory Board recommended that the DEQ proceed with the proposed revisions on December 11, 2006. There is no schedule available at this time. For more information, contact Christine Anderson at (307) 673-9337.

WATER INFORMATION:

None.

WASTE INFORMATION:

ADOPTION OF FEDERAL RCRA RULES – The DEQ is redrafting amendments to its hazardous waste regulations and adopting federal RCRA rules adopted through June 30, 2001. The amendments include but are not limited to: the military munitions rule; Phase IV land disposal restrictions; used oil management standards; and hazardous remediation waste management requirements. The rule package will be presented to the Environmental Quality Council in January or February 2007. For more information, contact Paige Smith at (307) 777-8759.

OTHER INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The legislative session begins January 9, 2007 and ends March 1, 2007. For information on the legislative session, go to <http://legisweb.state.wy.us/>

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 st House	Passed 2 nd House	Final Status
Air			Currently none.					
Water			Currently none.					
Waste			Currently none.					
Natural Resources			Currently none.					
Land Use	HB 10	Joint Corporations, Elections and Political Subdivisions Interim Committee	Proposes that a county may elect to regulate parcels of land between 35 and 100 acres in size.	Filed 11/30/06				
	HB 11	Joint Corporations, Elections and Political Subdivisions Interim Committee	Proposes exemptions from county subdivision regulations.	Filed 11/30/06				
	SF 30	Joint Agriculture, Public Lands, and Water Resource Interim Committee	Proposes to distinguish state lands from public lands.	Filed 12/15/06				

Other	SF 22	Senator Tony Ross (R)	Proposes that a board of county commissioners may regulate noise nuisances through the adoption of resolution and further remedies such as injunction, mandamus, or abatement.	Filed 12/11/06				
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